

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL RAFFAELE	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN E. POTTER	:	NO. 09-3622

ORDER

AND NOW, this 4th day of March 2010, upon consideration of defendant's motion for partial dismissal or, alternatively, for partial summary judgment, plaintiff's response, defendant's reply, plaintiff's sur-reply, the parties' stipulation and plaintiffs opposition to defendant's motion for summary judgment, it is hereby ORDERED that defendant's motion is GRANTED IN PART and DENIED IN PART as follows:

- 1) defendant's motion for summary judgment on plaintiff's claim for sex discrimination and that portion of plaintiff's retaliation claim based on sex discrimination for failure to exhaust administrative remedies is DENIED;
- 2) defendant's motion for summary judgment on plaintiff's claim of reprisal based on the reassignment to the Southeast Facility is GRANTED and judgment is entered in favor of defendant John E. Potter and against plaintiff Michael Raffaele;
- 3) defendant's motion for summary judgment on all claims of discriminatory conduct or retaliation which occurred on or prior to October 12, 2007 is GRANTED and judgment is entered in favor of defendant John E. Potter and against plaintiff Michael Raffaele; and
- 4) defendant's motion for summary judgment on all claims of discriminatory

conduct or retaliation occurring after March 3, 2008 and prior to the filing of this action is GRANTED and judgment is entered in favor of defendant John E. Potter and against plaintiff Michael Raffaele with respect to such claims. The remaining non-time-barred claims are those alleged acts of discrimination which occurred after October 12, 2007 through March 3, 2008.

/s/ Thomas N. O'Neill  
THOMAS N. O'NEILL, JR., J.